

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 20 January 2011.

/Kathryn Marley/

Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):

Lukas P.P.P. van Ginneken *et al.*

Application No. **10/828,547**

Confirmation No. **3884**

Filing Date: **19 April 2004**

Title: **Timing Closure Methodology
Including Placement with Initial
Delay Values**

Group Art Unit: **2825**

Examiner: **Vuthe Siek**

CUSTOMER NO. 36454

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RENEWED
PETITION FOR WITHDRAWAL OF TERMINAL DISCLAIMER
UNDER 37 CFR § 1.182**

Sir:

Applicants IBM and Synopsys petition to withdraw the Terminal Disclaimers submitted in connection with the canceled claims on 13 April 2009, due to the cancellation of the claims that formed the basis for their submission.

STATEMENT OF FACTS

On 15 January 2009, the Examiner in the above-referenced application rejected claims 2 and 4-15 for double patenting over U.S. 6,453,446.

To overcome the rejection, Applicants filed Terminal Disclaimers on 13 April 2009 disclaiming the terminal part of the statutory term of any patent granted which would extend beyond the expiration date of the full statutory term of prior patent No. 6,453,446.

The Terminal Disclaimers were approved by the U.S. Patent and Trademark Office on 14 April 2009.

Applicants petitioned for withdrawal of the Terminal Disclaimers on 6 July 2010, in light of amendments that overcome the rejection. Such petition was dismissed in the DECISION ON PETITION mailed 19 October 2010, based on the continued assertion of double patenting by the Examiner.

ARGUMENT

In accordance with MPEP 1490 VII, Applicants request withdrawal of the recorded terminal disclaimers.

The Terminal Disclaimers were filed in response to a final Office Action mailed on 15 January 2009, which rejected claims 2 and 4-15 for double patenting over U.S. 6,453,446.

Claims 2, 4-10 and 13-15 were canceled in the application by amendment on 06 July 2010, and claims 11 and 12 were amended to depend from claim 19. In the Office Action mailed 20 October 2010, the Examiner continued to assert a double patenting rejection.

Further amendments and arguments are being presented to overcome the double patenting rejection by Applicant, along with the present Petition. Therefore, the claims which led to the requirement for the Terminal Disclaimers are no longer pending in the application, so the Terminal Disclaimers are no longer necessary or appropriate.

It is therefore respectfully requested that the recorded Terminal Disclaimers filed on 13 April 2009 be withdrawn.

///

CONCLUSION

Accordingly, Applicants petitions for withdrawal of the Terminal Disclaimers filed on 13 April 2009.

The petition fee of \$400 required under 37 C.F.R. §1.17(f) is included herewith.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SYNP 1006-0).

Respectfully submitted,

Dated: 20 January 2011

/Mark A. Haynes/

Mark A. Haynes, Reg. No. 30,846

SYNOPSYS, INC. c/o
HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax